REMARKS

Currently pending in this application are claims 44-69, 71-79 and 81-96. Claims 1-24 were cancelled in a prior amendment and claims 70, 80 and 97 have been cancelled in this amendment.

Claim 51 has been amended to refer to a solvent instead of a diluent and to depend from claim 44.

Claim 53 has been amended to delete reference to castor oil.

Claim 57 has been amended to refer to a solvent instead of a diluent and to depend from claim 53.

Claim 68 has been amended to refer to a solvent instead of a diluent and to depend from claim 62.

Claim 71 has been amended to change addition to additive, correcting an obvious typographical error.

Claim 78 has been amended to refer to a solvent instead of a diluent and to depend from claim 71.

Claim 81 has been amended to change addition to additive, correcting an obvious typographical error and to delete reference to castor oil.

Claim 85 has been amended to refer to a solvent instead of a diluent and to depend from claim 81.

Claim 89 has been amended to change addition to additive, correcting an obvious typographical error.

Claim 95 has been amended to refer to a solvent instead of a diluent.

The examiner has rejected claims 51, 68, 78, 85 and 95 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Specifically the

examiner noted that the specification did not support defining certain compounds recited in the claims as "diluents when the specification defined them as solvents. The claims have been amended to define the compounds as solvents and to change their dependency to the preceding independent claim.

The examiner next rejected claims 47, 64, 70, 71, 74, 75, 80, 81, 89, 91, 92 and 97 under 35 U.S.C. §112 as indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The examiner rejected claims 47, 68, 74 and 91 on the grounds that the examiner did not see the distinction between the plant oil extracts derived from grain and the vegetable and nut plant oils. The examiner stated the opinion that vegetables and nuts are also grains. Applicants respectfully traverse this rejection. As defined by Webster's, a grain is a seed of fruit from a cereal or grass. Merriam-Webster's Collegiate Dictionary, p. 543 (11th Ed. 2003) (attached). A vegetable on the other hand is a herbaceous plant and a nut is a hard shell dry fruit or seed. Id at 853, 1386. While all of these are plants, they are different varieties and the differences in the oil extracts and oils would be apparent to one skilled in the art. In addition, plant oil extracts are generally obtained from chlorophyll containing parts of the plant (see, e.g. paragraphs 59 and 60), whereas vegetable oils are generally extracted from the seed, nut or fruit (see, e.g., paragraphs 75 and 76). Thus, applicant respectfully submits that the two groups of materials are distinct the claims are not indefinite.

The examiner rejected claims 65 and 70 as substantial duplicates. Claim 70 has been cancelled rendering the rejection moot.

The examiner rejected claims 71, 81 and 89 noting that the term "addition" should read "additive." The claims have been amended to change the term "addition" to "additive".

The examiner rejected claims 75 and 80 as substantial duplicates. Claim 80 has been cancelled rendering the rejection moot.

The examiner rejected claims 92 and 97 as substantial duplicates. Claim 97 has been cancelled rendering he rejection moot.

The examiner has rejected claims 53, 56-59, 81 and 84-87 under 35 U.S.C. §102(b) as anticipated by U.S. Patent 5,862,369 to Jordan. The examiner noted that Jordan teaches a fuel composition that contains beta-carotene (carotenoid), chlorophyll (hydrophobic plant extract) and ethoxylated castor oil (thermal stabilizer) as well as cetane improvers. The composition may be diluted with various solvents including gasoline, toluene, diesel fuel and alcohols. Applicants respectfully submit that the claims as amended are not anticipated by Jordan.

As noted above, the Markush group in claims 53 and 81 that define the thermal stabilizer does not include castor oil. None of the other oils recited in the claims are taught or recited in Jordan. Thus Jordan can not anticipate the claims. Claims 56-59 depend from claim 53 and claims 84-87 depend from claim 81. Since Jordan does not anticipate the independent claims it can not anticipate the dependent claims..

CONCLUSIONS

Applicant submits that the pending claims are free of the art and are in condition for allowance.

Applicant believes there is no fee due with this response. However, if fees are due, please charge our Deposit Account No. 06-2375, under Order No. P02956US0 (AKA ORYXE.029A) from which the undersigned is authorized to draw.

Dated: August 11, 2004

Respectfully submitted,

By _____

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